

JUN 08 2020

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

Judge: Hon. Nancy Bruehle

SCANNED

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WDS

U.S. DISTRICT COURT ST. PAUL

MOTION FOR COMPASSIONATE RELEASE AND CARES ACT

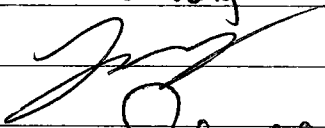
Dear Honorable Judge Nancy Bruehle,

My name is Ly Vang. I am writing to respectfully request that I be considered for an early release from prison under the Compassionate Release Program for extraordinary and compelling reasons under 18 U.S.C. § 3582 (c) (1) (A) (i) and Care Act, section 12003 (b) (2), and that you treat this as a formal request. I believe I am a good candidate for compassionate release and CARES Act home confinement for the following reasons. I have been denied for home confinement at FMC Rochester by the RIS coordinator, Warden Kulis, and unit team for my PATTERN score is above the requirement for early release and home confinement. As identified in a newsletter, ProPublica, and independent investigative journalism reported that the BOP secretly altered and changed the PATTERN standard which made it harder for an inmate to qualify as minimum risk. ProPublica also reported that a spokesman for the BOP, confirmed that the Bureau revised the risk categories without informing the public. I am not a risk to society nor am I at risk for returning back to prison. I am a first time first time offender with no prior troubles. I have been on pretrial release for over a year in both state and federal pretrial release. I have been compliant with both state and federal pretrial release criterias such as giving clean UAs. The PATTERN standards does not accurately portray me. Also, due to the pandemic, COVID-19 is a virus that does not discriminate. The virus is spreading even in BOP facilities, with the newsletter I attached, there are 1,684 confirmed COVID-19 cases of inmates with 64 deaths. There are 56 facilities that have COVID-19 cases in the BOP. There are still 6,800 inmates waiting to be transfer to BOP facilities which can put anyone at risk for contracting COVID-19. Anyone can contract the virus and die. The average age of death is 47. I was sentence to 18 months with an outdate of April 2021. I was not sentence to death. I am confine to a cell with 4 individuals with less than 3 feet apart. CDC recommended a minimum distance of six feet apart. We are also lock in our cell all day with no fresh air due to all BOP facilities being on lockdown. There are inmates going back and forth from Mayo Hospital which poses a threat for anyone at FMC Rochester to contract COVID-19. There are no tests performed here to accurately test anyone for COVID-19 with over 150 inmates in one small unit. I have a short sentence and early release present low risk for contracting COVID-19 if I am confine to my home.

I have completed outpatient treatment prior to my incarceration. I am also enrolled in a drug treatment program at FMC Rochester. I have also enrolled in numerous classes here such as life sounding and nutritional classes. I have been in no trouble with my five months at FMC Rochester. I am also a non-violent offender. Again, the PATTERN standard does not accurately portray me. From the newsletter, at Elkhart, Judge Guin ordered the BOP to loosen requirements for home confinement by eliminating requirement on length of sentence or inmate has served (reversing the 50% sentence requirement in order to be eligible); disregarding whether the inmate had gotten any lower slots last year; eliminating the requirement that an inmate be a U.S. citizen to get home confinement; letting inmates with "low" patterns risk score place on CARES act home confinement; and disregarding the fact that an inmate is serving time for a "violent" crime if the crime occurred more than five years ago. I have no mental hold or detainees. I have verifiable re-entry plan, amazing work evaluation, and excellent work performance. When I am released from prison, I plan to live with my parents, Pa Chai Vang and Va Yang, at their house at 905 15th Street, Newport, MN 55055. Based on the information above, given my personal circumstances and the COVID-19 pandemic, I request early release under the Compassionate Release Program and CARES Act. Attached is my denied release email and newsletter.

Thank you for your time and consideration,

Lu Vang


Shelley S. Haag

6-3-2020

